

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 16-23670 RDD

**EARL SIMMONS,**

Debtor

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**ORDER DISMISSING CHAPTER 13 CASE, WITH PREJUDICE**

The chapter 13 trustee having moved, on due notice, for an order dismissing this chapter 13 case; and, upon the motion and the record of the March 22, 2017 hearing thereon, the Court having found that Earl Simmons, the debtor herein (the “Debtor”) has failed to comply with 11 U.S.C. § 1307(c)(1), (c)(3) and (c)(4) and 11 U.S.C. § 521(i) and (e)(2)(A)(i), having created unreasonable delay that is prejudicial to creditors, in that the debtor failed to timely file a chapter 13 plan, failed to appear and be examined at the scheduled § 341(a) meeting of creditors, failed to remit timely proposed chapter 13 plan payments to the trustee, failed to provide the required documentation, in particular, schedules, statement of financial affairs, payment advices and evidence of other payments received within 60 days of the bankruptcy petition date, and the “means” test, and, seven days before the § 341(a) meeting of creditors, Federal and New York State tax returns for several years prior to the petition date; and, based on the Debtor’s previous bankruptcy cases in this Court that were also grossly deficient as to the Debtor’s compliance with his duties under the Bankruptcy Code and Bankruptcy Rules, the Court having found that there is sufficient cause to bar the Debtor from commencing another case under the Bankruptcy Code for one year from the date of this Order unless the Debtor first obtains an order from this Court authorizing such filing, for cause; now, therefore, it is hereby

**ORDERED** that this chapter 13 case is dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case; and it is further

**ORDERED that the Debtor is barred from commencing any case under the Bankruptcy Code before March 28, 2018 unless the Debtor first obtains an order from this Court authorizing such filing, for cause.**

Dated: White Plains, New York  
March 27, 2017

/s/ Robert D. Drain  
**UNITED STATES BANKRUPTCY JUDGE**